

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

IN RE INTEL CORP. MICROPROCESSOR  
ANTITRUST LITIGATION

MDL No. 05-1717-JJF

PHIL PAUL, on behalf of himself and all others  
similarly situated,

C.A. No. 05-485-JJF

Plaintiffs,

CONSOLIDATED ACTION

v.

INTEL CORPORATION,

Defendant.

**DEFENDANT INTEL CORPORATION'S NOTICE OF SUPPLEMENTAL  
AUTHORITY IN SUPPORT OF MOTION TO DISMISS FOR LACK OF  
SUBJECT MATTER JURISDICTION**

Defendant Intel Corporation ("Intel") respectfully submits this notice of a decision recently issued by the U.S. Court of Appeals for the Eighth Circuit that supports Intel's Motion to Dismiss (MDL 05-1717 D.I. 311) (05-485 D.I. 221) the plaintiffs' claims arising from Intel's alleged foreign conduct for lack of subject matter jurisdiction. *In re Monosodium Glutamate Antitrust Litig.*, --- F.3d ---, No. 05-4303, 2007 WL 414358 (8<sup>th</sup> Cir. Feb. 8, 2007) (attached as Ex. 1).

In this decision, the 8th Circuit embraced the D.C. Circuit's ruling in *Empagran S.A. v. F. Hoffmann-Laroche, Ltd.*, 417 F.3d 1267 (D.C. Cir. 2005), *cert. denied*, 126 S. Ct. 1043 (2006), that in order to allege an antitrust claim based on foreign conduct, a plaintiff must establish that its claimed injury was proximately caused by a direct domestic effect of the foreign conduct. In doing so, the 8th Circuit rejected appellants'

argument – which were represented by Interim Class Counsel in this action – for a more lenient causation standard.

Respectfully submitted,

*/s/ W. Harding Drane, Jr.*

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